

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ISAAC BRIGGS,

Plaintiff,

v.

ROBERT R. DIXON, et al.,

No. 05-266-DRH

Defendants.

ORDER

HERNDON, Chief Judge:

Before the Court is Plaintiff's Motion to Appoint Counsel. (Doc. 101). Based on the following, the Court **DENIES** Plaintiff's motion.

This proceeding is civil in nature. ***Johnson v. Chandler*, 487 F.3d 1037, 1038 (7th Cir. 2007)**. There is no constitutional or statutory right to appointment of counsel in this case. The court considers a motion for appointment of counsel in light of ***Pruitt v. Mott*, 503 F.3d 647 (7th Cir. 2007)**. The decision is a two-fold inquiry into the difficulty of the claims and "plaintiff's competence to litigate those claims himself," with the two prongs being intertwined; "the difficulty of the case is considered against the plaintiff's litigation capabilities, and those capabilities are examined in light of the challenges specific to the case at hand." ***Id.* at 654-55.**

The Seventh Circuit has labeled the inquiry as "whether the difficulty of the case -factually and legally- exceeds the particular plaintiff's capacity as a layperson" to present the arguments to the court. ***Id.*** However, the question is not whether a

lawyer would do a better job at presenting the claims than the pro se plaintiff would.

Id.

This case concerns the alleged violation of petitioner's Eighth Amendment rights, alleging two counts of deliberate indifference to petitioner's serious medical needs. Petitioner's pleadings are literate and comprehensible, and his arguments are, for the most part, presented in a clear manner. Unlike the petitioner in ***Pruitt***, petitioner's pleadings show an adequate understanding of the law. Petitioner appears as competent as an "average pro se litigant." ***Hudson v. McHugh*, 148 F.3d 859, 861, n.1 (7th Cir, 1998)**. At this stage of the proceedings, the appointment of counsel would not be warranted. Plaintiff's Motion to Appoint Counsel (Doc. 101) is **DENIED**.

IT IS SO ORDERED.

Signed this 19th day of September, 2008.

/s/ David R. Herndon

**Chief Judge
United States District Court**